

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

ORDER

v.

6:20-cr-06046 EAW

JOHN RIVERA-BANCHS,

Defendant.

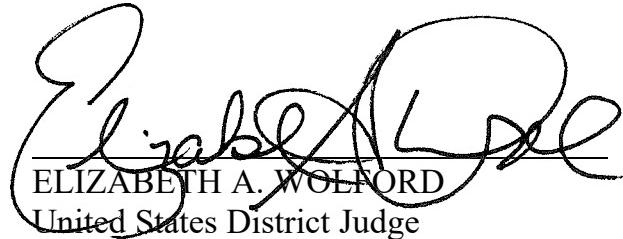
On February 19, 2021, *pro se* defendant John Rivera-Banchs (“Defendant”) filed a document entitled “Amended Petition (Writ)” wherein he purports to supplement a “Writ of Habeas Corpus” filed on or about October 26, 2020, that he contends is still pending. (Dkt. 107). In this newly-filed document, Defendant argues that he did not waive a preliminary hearing in this case. (*Id.*). Defendant also asserts arguments that the indictment is defective. (*Id.*).

As an initial matter, the “Writ of Habeas Corpus” that Defendant filed on or about October 26, 2020 (Dkt. 70), was rejected by this Court in its Decision and Order entered on December 4, 2020 (Dkt. 85). Thus, there is no pending Writ for the present “Amended Petition (Writ)” to supplement.

Moreover, the arguments raised by Defendant about the preliminary hearing and allegedly defective indictment have already been repeatedly rejected by this Court. (*See* Dkt. 59; Dkt. 81; Dkt. 85; Dkt. 96). Defendant is again advised that it is neither useful nor productive to continually repeat arguments that have already been rejected by the Court.

Accordingly, the “Amended Petition (Writ)” is dismissed. Because of the pending appeal, and to the extent necessary, the Court issues this Order pursuant to Federal Rule of Criminal Procedure 37(a).

SO ORDERED.



The image shows a handwritten signature in black ink, which appears to read "Elizabeth A. Wolford". Below the signature, there is a printed name and title: "ELIZABETH A. WOLFORD" on top and "United States District Judge" underneath, separated by a thin horizontal line.

Dated: March 15, 2021
Rochester, New York